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and Mattel, Inc.*

ELECTRONICALLY FILED

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

FARRAH SHOUKRY, individually and on behalf of all
other similarly situated,

Plaintiff,

-against-

FISHER-PRICE INC., a Delaware Corporation and
MATTEL, INC., a Delaware Corporation, each separately
and on behalf of all other entities similarly situated,

Defendants.

ECF CASE

**Civil Action No. 07 CV 7182 (DLC)
(DCF)**

**DECLARATION OF MICHAEL J.
TEMPLETON IN SUPPORT OF
DEFENDANTS FISHER-PRICE,
INC.'S AND MATTEL, INC.'S
MOTION TO STAY ALL
PROCEEDINGS PENDING A
DECISION ON DEFENDANTS'
MOTION TO TRANSFER UNDER
28 U.S.C. § 1407**

I, Michael J. Templeton, declare as follows:

1. I am a member of the law firm of Jones Day, counsel for Defendants Fisher-Price, Inc. and Mattel, Inc. ("Defendants") in the above-captioned action. I am familiar with the proceedings had herein. The statements made herein are based upon my personal knowledge and review of the documents and material cited herein. I submit this Declaration in support of Defendants' motion to stay all proceedings in this action pending the decision of the Judicial Panel of Multidistrict Litigation ("JPML") on Defendants' motion filed with the JPML to

transfer this action and other similar actions to the United States District Court for the Central District of California pursuant to 28 U.S.C. § 1407.

2. Certain Plaintiffs have filed eleven putative class actions (including this action) in federal district courts, naming Fisher-Price, Inc. and/or Mattel, Inc. as defendants, alleging similar claims, seeking fundamentally the same remedies, and purporting to be filed on behalf of overlapping putative classes of purchasers and users of certain recalled toys. A list of these eleven pending federal cases, which sets forth the case captions, courts, civil action numbers and assigned judges with respect to these cases, is annexed hereto as Exhibit A.

3. These eleven federal court actions were filed following the voluntary toy recalls announced by Mattel, Inc. on August 2, August 14 and September 4, 2007.

4. Five of the eleven pending federal actions were filed in the United States District Court for the Central District of California: i) No. 2:07-cv-05126, *Mayhew v. Mattel, Inc., et al.*; ii) No. 2:07-cv-05366, *White, et al. v. Mattel, Inc., et al.*; iii) No. 2:07-cv-05539, *Luttenberger v. Mattel, Inc., et al.*; iv) No. 2:07-cv-05661, *Puerzer, et al. v. Mattel, Inc., et al.*; and v) No. 2:07-cv-05960, *Shah v. Mattel, Inc., et al.*

5. Certain Plaintiffs have filed three cases in California state courts and one case in the District of Columbia, alleging claims concerning the voluntary toy recalls. Defendants intend to remove these cases to federal court.

6. Mattel, Inc. is headquartered in California.

7. On September 5, 2007, Defendants filed a motion with the Judicial Panel on Multidistrict Litigation, seeking to have all of the federal cases coordinated for pretrial in one proceeding in the United States District Court for the Central District of California. Annexed hereto as Exhibit B is a true and correct copy of Defendants' Motion for § 1407 Transfer of

Actions to the Central District of California and Brief in Support. A copy of this motion was also filed with the Clerk of this Court.

8. Plaintiffs Heather Davis Puerzer and Kim Cosgrove, Nisha Shah, and Steve and Joy Sarjent, who are named Plaintiffs in three putative class actions filed in the United States District Court for the Central District of California and in the Southern District of Indiana, filed a joint motion to transfer the pending federal actions to the Central District of California pursuant to 28 U.S.C. § 1407. A true and correct copy of this motion as served on counsel for Defendants is annexed hereto as Exhibit C.

9. Plaintiffs Daniel and Caroline Hughey, named Plaintiffs in the putative class action filed in the United States District Court for the District of South Carolina, filed a motion to transfer the pending federal actions to the Charleston Division of the District of South Carolina pursuant to 28 U.S.C. § 1407. A true and correct copy of this motion as served on counsel for Defendants is annexed hereto as Exhibit D.

10. Plaintiff Nydia Monroe, the named Plaintiff in a putative class action filed in the United States District Court for the Eastern District of Pennsylvania, filed responses opposing the motions to transfer filed by Defendants and the Hughey Plaintiffs.

11. The JPML set a deadline of October 9, 2007 for responses to Defendants' motion to transfer and the joint motion to transfer filed by Plaintiffs referenced in paragraph 8 above. Annexed hereto as Exhibit E is a true and correct copy of a letter dated September 19, 2007 from the Clerk of the Judicial Panel on Multidistrict Litigation to Counsel.

12. Plaintiff Farrah Shoukry filed the above-captioned case on August 10, 2007.

13. Defendants' time to answer or otherwise respond to the complaint in the above-captioned case has been extended by so-ordered stipulation to and including October 15, 2007.

14. The Court has scheduled an initial pretrial conference in the above-captioned action for October 19, 2007.

15. No previous application has been made by Defendants for the relief requested in Defendants' motion to stay all proceedings in this action pending a decision on Defendants' motion to transfer under 28 U.S.C. § 1407 filed contemporaneously herewith.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 26, 2007 in New York, New York.

s/ Michael J. Templeton
Michael J. Templeton

CERTIFICATE OF SERVICE

I, Catherine M. Ferrara-Depp, hereby certify that on September 26, 2007, a true and correct copy of the DECLARATION OF MICHAEL J. TEMPLETON IN SUPPORT OF DEFENDANTS FISHER-PRICE, INC.'S AND MATTEL, INC.'S MOTION TO STAY ALL PROCEEDINGS PENDING A DECISION ON DEFENDANTS' MOTION TO TRANSFER UNDER 28 U.S.C. § 1407 was electronically filed with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to:

Attorney for Plaintiff and Purported Class Members:

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I FURTHER CERTIFY that on September 26, 2007, true and correct copies of the DECLARATION OF MICHAEL J. TEMPLETON IN SUPPORT OF DEFENDANTS FISHER-PRICE, INC.'S AND MATTEL, INC.'S MOTION TO STAY ALL PROCEEDINGS PENDING A DECISION ON DEFENDANTS' MOTION TO TRANSFER UNDER 28 U.S.C. § 1407 were served via overnight delivery service to the following counsel of record:

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